

**MINUTES
PLANNING AND ZONING BOARD
CITY OF DELRAY BEACH**

MEETING DATE: December 16, 2019

MEETING PLACE: Commission Chambers, City Hall

1. CALL TO ORDER

The meeting was called to order by Kevin Osborn at 6:00 P.M.

2. ROLL CALL

A quorum was present.

Members Present: Kevin Osborn (Chairperson), Joy Howell (1st Vice Chairman), Juli Casale, Julen Blankenship, Alex DeAngelis, and Daniel Stepner.

Members Absent: Rob Long (Vice Chairman).

Staff Present: Anthea Gianniotis, Development Services Director; Amy Alvarez, Principal Planner; Debora Slaski, Planner; and Diane Miller, Board Secretary.

3. APPROVAL OF AGENDA

Motion to move 8B (NW 600 Block Redevelopment, Ordinance No. 41-19 and 42-19) to January 27, 2020 by applicant (Delray Beach CRA).

Motion to move 9A (LDR text Amendment, Limited Height Area with the West Atlantic Neighborhood Sub-district) to the end of the agenda.

MOTION to approve changes to the agenda was made by Juli Casale and seconded by Joy Howell.

ALL IN FAVOR

4. MINUTES

MOTION to approve minutes for June 17, 2019 and July 15, 2019 was made by Julen Blankenship and seconded by Alex DeAngelis.

ALL IN FAVOR

5. SWEARING IN OF THE PUBLIC

Kevin Osborn read the Quasi-Judicial Rules for the City of Delray Beach and Ms. Miller swore in all who wished to give testimony.

6. COMMENTS FROM THE PUBLIC

None at this time.

7. PRESENTATION

None

8. QUASI-JUDICIAL HEARING ITEMS

A. Bella Delray Plat (2020-015): Consideration to approve the Preliminary Plat and provide a recommendation to the City Commission for Certification of the Final Plat.

Location 1634 North Swinton Avenue

Exparte:

None

Amy Alvarez, Senior Planner, submitted File 2020-015 into the record.

Applicant Presentation

Bradley Miller, Miller Land Planning, 508 E Boynton Beach Blvd, Boynton Beach, FL 33435

Staff Presentation

Amy Alvarez, Senior Planner presented the project through a Power Point presentation.

Public Comments

None at this time.

Board Comments

None at this time.

Motion to **APPROVE** the preliminary plat and recommend certification of the Final Plat to the City Commission for the Bella Delray Plat, by finding that the request is consistent with the Land Development regulations and the Comprehensive Plan by Julen Blankenship, seconded by Juli Casale.

MOTION CARRIED 6-0

B. NW 600 Block Redevelopment, Ordinance Nos. 41-19 and 42-19 (Files 2019-264 and 2019-265).

Applicant has asked that this item be postponed to a date certain of January 27, 2020.

Questions

Joy Howell: Can this item be re-noticed again? Yes it can be re-posted.

MOTION to postpone to a date certain of January 27, 2020, and to repost the public notice signs 10 days before the meeting by Julen Blankenship and seconded by Juli Casale.

MOTION DENIED 2-4

MOTION to table 8.A to a date certain of January 27, 2020 made by Joy Howell and seconded Alex DeAngelis

MOTION CARRIED 6-0

9. QUASI-JUDICIAL HEARING ITEMS

A. Similarity of Use (2020-021): Consideration of a similarity of use request to determine if the use of “garages and lots for the parking and storage of vehicles” is similar to other conditional uses allowed in the Community Facilities (CF) zoning district, particularly to the use listed as a “privately-operated parking lot”.

Exparte: None

Debora Slaski, Planner, submitted File 2020-021 into the record.

Applicant Presentation

Michael Weiner, Sachs Sax Caplan, P.L., 6111 Broken Sound Parkway, Boca Raton, Florida

Staff Presentation

Debora Slaski, Planner presented the project through a Power Point presentation.

Public Comments

James Quillian, 925 SE 2nd Avenue

Carol Anderson, No address provided

Tyler Knight, 103 SE 4th Ave Ste 103 Delray Beach, Florida

Cross Examination: None

Rebuttal:

Michael Weiner - Sachs Sax Caplan, P.L., 6111 Broken Sound Parkway, Boca Raton, Florida

Board Comments

Julen Blankenship. Of the community facilities in the City, how many are public parking lots?

Debora Slaski. The City does not have that inventory at this time.

Julen Blankenship. The similarity of use doesn't just effect this property, but all CF properties?

Debora Slaski. Yes, that is correct.

Kevin Osborn. What is going to be parked in this lot?

Michael Weiner. It will be used only for new car storage.

Alex DeAngelis. What is the proposed number of vehicles that will be stored on this lot?

Michael Weiner. The parking lot will be designed for 200 cars.

MOTION that the Planning and Zoning Board determines that the use of “garages and lots for the parking and storage of vehicles” is similar to other Conditional Uses allowed in the Community Facilities (CF) zoning district, particularly to the use listed as a “privately-operated parking lot”, by finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan made by Julen Blankenship and seconded by Joy Howell.

MOTION CARRIED 5-1, Juli Casale Dissenting

B. Text Amendment, Parking Exception for Outdoor Use Areas in the West Atlantic Neighborhood Sub-district (2020-052): Consideration of Ordinance No. 01-20, a privately-initiated request to amend the Land Development Regulations Section 4.4.13(I)(2), “Minimum number of off-street parking spaces,” to exempt existing commercial buildings with outdoor use area from providing additional on-site parking, and extending this parking exemption through December 31, 2023.

Amy Alvarez, Principal Planner, submitted File 2020-052 into the record.

Applicant Presentation

Neil Schiller, Attorney at Law with Saul Ewing Arnstein & Lehr

Staff Presentation

Amy Alvarez, Principal Planner presented the project through a Power Point presentation.

Public Comments

None at this time.

Board Comments

Juli Casale. Could they use in-lieu parking?

Amy Alvarez. Yes, that is an option and that would be the least expensive way to go.

Julen Blankenship. Is this considered a “renewal” of an existing ordinance, and is the language the same?

Anthea Gianniotis. What has changed is the incorporation of outdoor uses.

MOTION to recommend approval to the City Commission of Ordinance No. 01-20, **as amended**, amending the Land Development Regulations Section 4.4.13(I)(2), "Minimum number of off-street parking spaces," to exempt existing commercial buildings with outdoor use area from providing additional on-site parking, and extending this parking exemption through December 31, 2023, for properties within the West Atlantic Neighborhood Sub-district by finding that the amendment as amended and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations. by Julen Blankenship and seconded by Joy Howell.

MOTION FAILED 2-4

MOTION by Joy Howell to recommend approval as amended to extend the effective date of the exemption program from December 31, 2020 to December 31, 2023 with a recommendation not to approve the additional language to incorporate the associated outdoor areas. There is a friendly amendment that reincorporate the outdoor areas for bonified restaurant that was denied by the motion. At this time that is the active motion solely for the extension of the effective dates of December 31, 2023. Seconded by Juli Casale.

MOTION CARRIED 4-2, Daniel Stepner and Kevin Osborn Dissenting

C. LDR Text Amendment, Standalone Bars with Outdoor Use Areas (2020-039):

Consideration of Ordinance No. 02-20, a privately-initiated request to amend the Land Development Regulations to specify a process and provide regulations for outdoor use areas associated with standalone bars and list "standalone bars with outdoor use areas" as an allowed conditional use within the West Atlantic Neighborhood Sub-district of the Central Business District.

Amy Alvarez, Principal Planner, entered File 2020-039 into the record.

Applicant Presentation

Neil Schiller, Attorney at Law with Saul Ewing Arnstein & Lehr

Staff Presentation

Amy Alvarez, Principal Planner presented the project through a Power Point presentation.

Public Comments

Monica Kason, 1227 NE 8th Avenue, Delray Beach, Florida

Board Comments

Joy Howell. Some places move tables out and then only serve alcohol.

Julen Blankenship. What is the definition between Stand Alone Bar and the restaurant?
Anthea Gianniotis. Stand Alone Bar's can have outside use. Food is the primary use.

MOTION by Daniel Stepner to recommend approval to the City Commission of Ordinance No.02-20, amending the Land Development Regulations to specify a process and provide regulations for outdoor use areas associated with standalone bars and list “standalone bars with outdoor use areas” as an allowed conditional use within the West Atlantic Neighborhood Sub-district of the Central Business District, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations. Seconded by Alex DeAngelis.

MOTION CARRIED 4-2 Dissenting Julen Blankenship and Juli Casale.

Special Public Comment

Monica Kason, 1227 NE 8th Avenue, Delray Beach, Florida

D. LDR Text Amendment, Limited Height Area within the West Atlantic Neighborhood Sub-district (2020-053): Consideration of Ordinance No. 07-20, a City-initiated request to amend the Land Development Regulations to establish a Limited Height Area and require limited height for properties that are rezoned to Central Business District (CBD) from Single-family Residential (R-1-A)

Amy Alvarez, Principal Planner submitted File 2020-053 into the record.

Staff Presentation

Amy Alvarez, Principal Planner presented through a Power Point presentation.

Board Comments

Joy Howell. Will this have usable space on the 3rd floor of the building?

Amy Alvarez. This is allowed in the CBD area.

Joy Howell. Is there more buffering?

Anthea Gianniotis. There are additional setbacks.

MOTION by Julen Blankenship to recommend approval to the City Commission of Ordinance No. 07-20, amending the Land Development Regulations to establish a Limited Height Area and require limited height for properties that are rezoned to Central Business District (CBD) from Single-family Residential (R-1-A) within the West Atlantic Neighborhood Sub-district, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations. Seconded by Juli Casale.

MOTION CARRIED 6-0

9. REPORTS AND COMMENTS

A. Staff

In January and February, the meeting will be the 4th Monday of the month instead of the 3rd due to holidays.

B. Board

No Comments at this time.

C. Attorney

No Comments at this

XI. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 9:30PM.

The undersigned is the Secretary of the Planning & Zoning Board and the information provided herein is the Minutes of the meeting of said body for December 16, 2019 which were formally adopted and **APPROVED** by the Board on September 21, 2020.

Diane Miller

Diane Miller

If the Minutes you have received are not completed as indicated above, then this means that these are not the official Minutes. They will become so after review and approval, which may involve some changes.

(These Minutes are a record of the proceedings of this Board. The full audio and video recording of these proceedings are available at:

www.mydelraybeach.com/city-commission/av or a digital copy may be purchased at City Hall.)

.....